



# PUBLIC NOTICE

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DA 05-473  
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## NOTICE OF REMOVAL OF DOMESTIC SECTION 214 APPLICATION FROM STREAMLINED TREATMENT

WC Docket No. 05-21

The application listed in this notice has been removed from streamlined treatment pursuant to the Commission's streamlined procedures for domestic section 214 transfer of control applications.<sup>1</sup> Section 63.03(c)(5) of the Commission's rules provides that at any time after an application is filed, the Commission, acting through the Chief of the Wireline Competition Bureau, may notify an applicant that its application is being removed from streamlined processing where the Commission "determines that the application requires further analysis to determine whether a proposed transfer of control would serve the public interest."<sup>2</sup>

**Domestic Section 214 Application Filed for Acquisition of Assets of Pac-West Telecomm, Inc., to U.S. Telepacific Corp., WC Docket No. 05-21, DA 05-256 (rel. Jan. 28, 2005)**

On January 28, 2005, the Commission released a public notice accepting for streamlined processing a domestic section 214 application involving the acquisition of assets of Pac-West Telecomm, Inc. ("Pac-West") by U.S. Telepacific Corp. ("Telepacific") (collectively, the "Applicants").<sup>3</sup> On February 18, 2005, the United States Department of Justice ("DOJ"), including the Federal Bureau of Investigation ("FBI") and the United States Department of Homeland Security ("DHS") (collectively, the "Executive Branch Agencies"), filed with the Commission a petition to defer grant of this application while the Agencies and Applicants address potential national security, law enforcement, and public safety issues.<sup>4</sup>

<sup>1</sup> 47 C.F.R. § 63.03; *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, 17 FCC Rcd 5517 (2002) (*Streamlining Order*).

<sup>2</sup> See 47 C.F.R. § 63.03(c)(1)(v).

<sup>3</sup> *Domestic Section 214 Application Filed for Acquisition of Assets of Pac-West Telecomm, Inc., to U.S. Telepacific Corp., WC Docket No. 05-21*, Public Notice, DA 05-256 (rel. Jan. 28, 2005).

<sup>4</sup> See *In the Matter of Pac-West Telecomm, Inc., Transferor, and U.S. TelePacific Corp., Transferee*, Application for authority Pursuant to Section 214 of the Communications Act of 1934, as amended, for the transfer

This application is being removed from streamlined review in response to the request filed by the Executive Branch Agencies. Final action on this application should be expected once the Commission has received notification from the Executive Branch Agencies that the evaluation has been completed, but in no event later than 180 days from public notice that the applications were accepted for filing.<sup>5</sup> The Executive Branch Agencies indicate that they expect such notification to occur within the next few weeks.<sup>6</sup>

For further information, please contact Tracey Wilson-Parker, at (202) 418-1394 or Terri Natoli, Competition Policy, Wireline Competition Bureau at (202) 418-1574.

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of assets of an authorized U.S. international and domestic common carrier, WC Docket No. 05-21, Petition to Defer (filed Feb. 18, 2005) (Petition to Defer).

<sup>5</sup> See 47 C.F.R. § 63.03(c)(2).

<sup>6</sup> Petition to Defer at 1.